IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1276 OF 2006

Mr. Tukaram Krishna Gojare ... Petitioner

Vs.

The State of Mah. and Ors. ... Respondents

Mr. M.M.Chopra for Petitioner.

Mr.G.W. Mattos, A.G.P.for Respondents.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 12th June, 2006

P.C.:

1. By the order of this court dated 15 and 20th April, 2005 in Writ Petition No. 6055 of 2005, we had permitted the transferees from original allottees to also apply and for the Board to consider the same, if application is made in terms of the judgement of this court. The Petitioner herein applied and his application has been rejected. The reason given for rejecting is that the Petitioner was not in possession and the possession had been handed over to some other. The order was passed on 8.9.2005. The Petitioner to his petition has annexed affidavit of Mr. Babulal Kanojia dated 17.10.2005. In the affidavit it is set out that he was in possession of the premises from 26.7.2005 and that he has now surrendered the premises. It will thus be clear that the Petitioner on his own saying was not in possession of the premises at least after 26.7.2005.

2. Apart from that on behalf of Respondent it is pointed out that inspection of the Premises was

done. The Petitioner was found not to be in possession. Considering the above, we do not think this to be a fit case for this court to exercise its extra ordinary jurisdiction. Hence, Petition rejected.

(F.I.REBELLO, J.)

(MRS.V.K.TAHILRAMANI,J.)